

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: REQUEST FOR (SOUTH) SIDE STREET SETBACK VARIANCE FROM 25 FT TO 5 FT FOR A PROPOSED FENCE; (BARY D. & SHARON J. PUDLEWSKI, APPLICANTS).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Earnest McDonald **CONTACT:** Earnest McDonald **EXT.** 7430

Agenda Date 10-27-03 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR (SOUTH) SIDE STREET SETBACK VARIANCE FROM 25 FT TO 5 FT FOR A PROPOSED FENCE; (BARY D. & SHARON J. PUDLEWSKI, APPLICANTS); OR
2. **DENY** THE REQUEST FOR (SOUTH) SIDE STREET SETBACK VARIANCE FROM 25 FT TO 5 FT FOR A PROPOSED FENCE; (BARY D. & SHARON J. PUDLEWSKI, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

(Commission District #4, Henley)

(Earnest McDonald, Principal Coordinator)

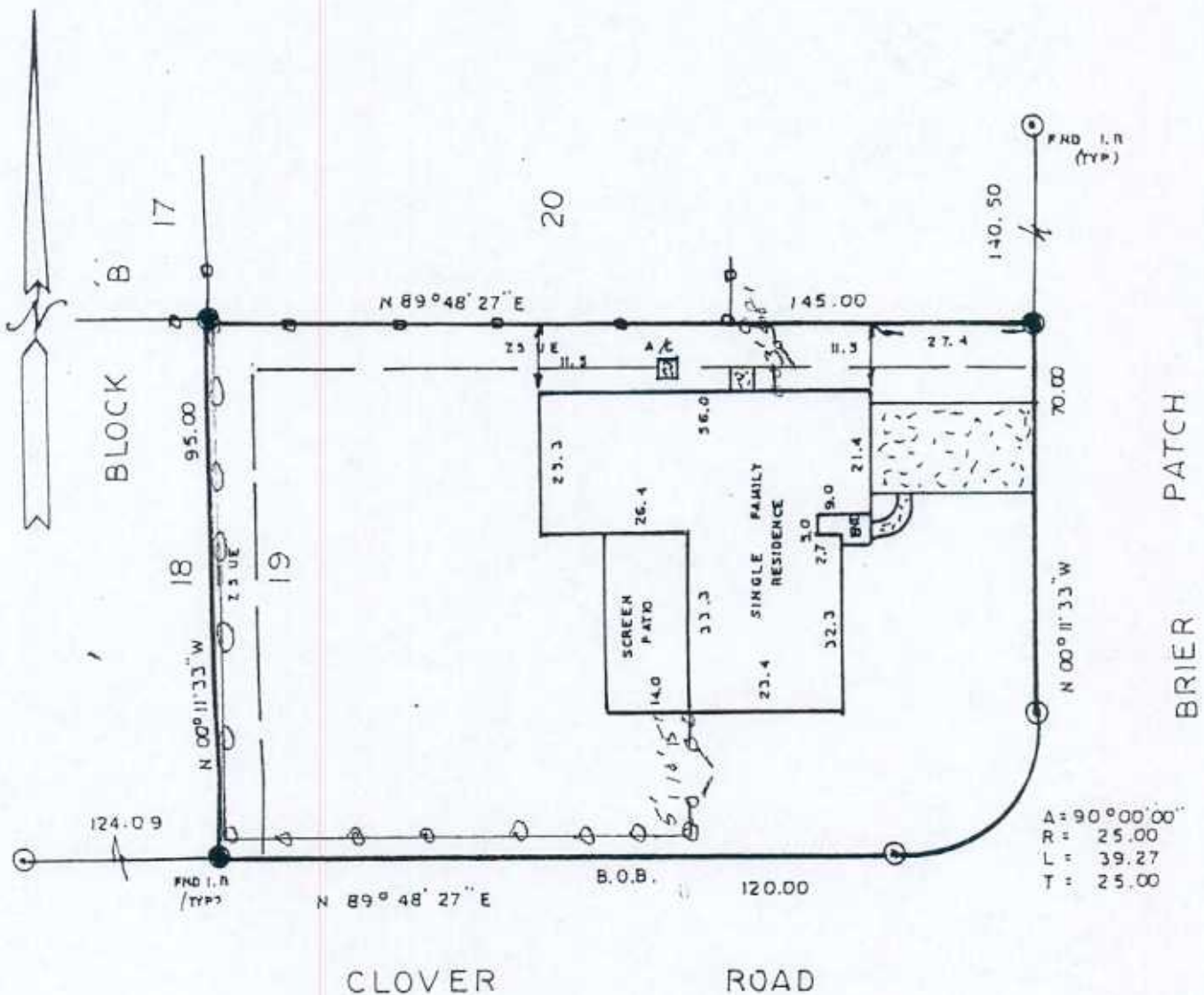
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| GENERAL INFORMATION | GARY & SHARON J. PUDLEWSKI, APPLICANTS 116 BRIAR PATCH LONGWOOD, FL 32758 | R-1AA DISTRICT, LDC SECTION 30.206(b) |
| BACKGROUND / REQUEST | <ul style="list-style-type: none"> • THE APPLICANTS PROPOSE TO ERECT A PRIVACY FENCE APPROXIMATELY 5 FT FROM THE PROPERTY LINE ABUTTING CLOVER ROAD AND ENCROACH 20 FT INTO THE 25 FT MINIMUM SIDE STREET SETBACK. • A VARIANCE FROM 25 FT TO 5 FT IS THEREBY REQUESTED. | |
| STAFF FINDINGS | <ul style="list-style-type: none"> • UNLIKE TYPICAL INTERIOR LOTS IN THE R-1AA DISTRICT THAT ARE BUILT TO THE 10 FT SIDE YARD SETBACK STANDARD, THE SUBJECT PROPERTY MUST CONFORM TO A STREET SIDE YARD SETBACK EQUIVALENT TO A FRONT YARD SETBACK SINCE ITS SIDE YARD ABUTS A RIGHT-OF-WAY. THE APPLICATION OF THE 25 FT SIDE STREET SETBACK STANDARD ALONG CLOVER ROAD, AS OPPOSED TO THE TYPICAL 10 FT (INTERIOR) SIDE YARD STANDARD HAS RESULTED IN REDUCED BUILDABLE AREA FOR THE CONSTRUCTION OF A | |

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|---------------------------------|---|
| | <p>FENCE.</p> <ul style="list-style-type: none">• THE SPECIAL CIRCUMSTANCE DESCRIBED DID NOT RESULT FROM THE APPLICANT'S ACTIONS.• THE REDUCTION OF THE SIDE STREET SETBACK WOULD CONFER SPECIAL PRIVILEGES TO THE APPLICANT BY ALLOWING ENCROACHMENT INTO THE SIDE STREET YARD WITHOUT THE SATISFACTION OF ALL THE CRITERIA FOR THE GRANT OF A VARIANCE.• THE APPLICATION OF THE MINIMUM SIDE STREET SETBACK STANDARD WOULD NOT DEPRIVE THE APPLICANT OF PRIVACY RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN THE R-1AA DISTRICT, AS THE APPLICANT COULD CONSTRUCT A COMPLIANT FENCE AND RETAIN REASONABLE USE OF THE SUBJECT PROPERTY.• THE TRAFFIC ENGINEERING DIVISION HAS CONFIRMED THE REDUCTION OF THE SETBACK TO 5 FT WOULD NOT ADVERSELY IMPACT VEHICULAR SIGHT DISTANCE ALONG CLOVER ROAD. |
| STAFF RECOMMENDATION | <ul style="list-style-type: none">• THE APPLICANT HAS FAILED TO SATISFY ALL CRITERIA FOR THE GRANT OF THE REQUESTED VARIANCE. THEREFORE, STAFF RECOMMENDS DENIAL OF THE REQUEST BASED ON THE FINDINGS STATED IN THIS REPORT. IF THE BOARD SHOULD APPROVE A VARIANCE FOLLOWING THE DEMONSTRATION OF A HARDSHIP BY THE APPLICANT, STAFF RECOMMENDS THE IMPOSITION OF THE FOLLOWING CONDITION:<ul style="list-style-type: none">○ ANY FENCE SETBACK VARIANCE GRANTED SHOULD APPLY ONLY TO THE PROPOSED FENCE DEPICTED ON THE ATTACHED SITE PLAN.○ ANY ADDITIONAL CONDITION(S) DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING. |

BOUNDARY SURVEY

LEGAL DESCRIPTION: LOT 19, BLOCK "B", THE MEADOWS WEST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 17, PAGE 6, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

THE ABOVE REFERENCED PROPERTY IS LOCATED IN ZONE "C", AREA OF MINIMAL FLOODING AS PER F.I.R.M. COMMUNITY PANEL NUMBER 120289 0235 D, SEMINOLE COUNTY, FLORIDA. MAP DATED DECEMBER 5, 1989.



CERTIFIED TO: SHEPARD, McCABE & COOLEY
ATTORNEYS' TITLE INSURANCE FUND, INC.
AMERICAN HERITAGE MORTGAGE
GARY D. PUDLEWSKI & SHARON J. PUDLEWSKI

**VARIANCE
APPLICATION TO THE SEMINOLE COUNTY
BOARD OF ADJUSTMENT**

APPLICANT: GARY D. + SHARON J. RUDLEWICKI
COMPLETE MAILING ADDRESS: 116 BRIAR PATCH, LONGWOOD FL 32758
PHONE: WORK: _____ HOME: 407 682-2562 FAX: _____
CELL PHONE: _____ Email: GRudles@MSN.com
PROPERTY OWNER OF RECORD: GARY D. + SHARON J. RUDLEWICKI
SITE OF REQUEST: 116 BRIAR PATCH, LONGWOOD FL 32758
STATEMENT OF HARDSHIP: _____

REQUEST: VARIANCE TO PERMIT INSTALLATION OF FENCE
FIVE FEET FROM PROPERTY LINE ON THE SOUTH SIDE.
(SEE BACK OF PAGE)
LEGAL DESCRIPTION OF PROPERTY: LOT 19, BLOCK B, THE MEADOWS WEST

TAX PARCEL ID NO. 35-20-29-504-0800-0190
KNOWN CODE ENFORCEMENT VIOLATIONS ON PROPERTY: _____

EACH APPLICATION WILL BE ACCOMPANIED BY THE FOLLOWING:

Applicant must be the property owner. Someone other than the property owner may act on the property owner's behalf at the public hearing; however, a letter of authorization from the property owner must be submitted to the County. One 8.5" X 14" site plan and application fee.

SIGNATURE OF APPLICANT: GARY D. RUDLEWICKI DATE: 8/11/05

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|--|-----------------|------------------------------------|--|
| FOR OFFICE USE ONLY | | | |
| FEES <u>\$150.00</u> | CK# <u>1042</u> | RECEIPT# _____ | DATE _____ ZONING DISTRICT: <u>R-1AA</u> |
| FURTHER DESCRIBED AS: _____ | | LOT SIZE: _____ | |
| PROCESSING: | | | |
| A. LEGAL AD TO NEWSPAPER _____ / _____ | | B. NOTICE TO PROPERTY OWNERS _____ | |
| C. PLACARDS / NOTICE _____ / _____ | | D. PROJECT NO. <u>03 30000 140</u> | |
| E. BOARD ACTION / DATE _____ / _____ | | F. LETTER TO APPLICANT _____ | |
| G. PUD SETBACKS _____ | | | |

INITIAL CONFERENCE B. 11

BCC DISTRICT 4

PLANNER JH

FILE NO. BV 2003-135

MEETING DATE October 27, 2003



Steven Douglas

09/02/2003 10:52 AM

To: Earnest McDonald/Seminole@Seminole
cc: Marcia Haeffner/Seminole@Seminole
Subject: lot 19, block "B", The Meadows West

As requested we have completed a review of lot 19, block "B", The Meadows West. Upon completing our review, we currently see no problem as it relates to vehicular sight distance in reducing the southern most property line setback to 5' for a proposed fence. Note that our review was conducted based on the attached plot plan and any changes to the proposed fence location should be review further .

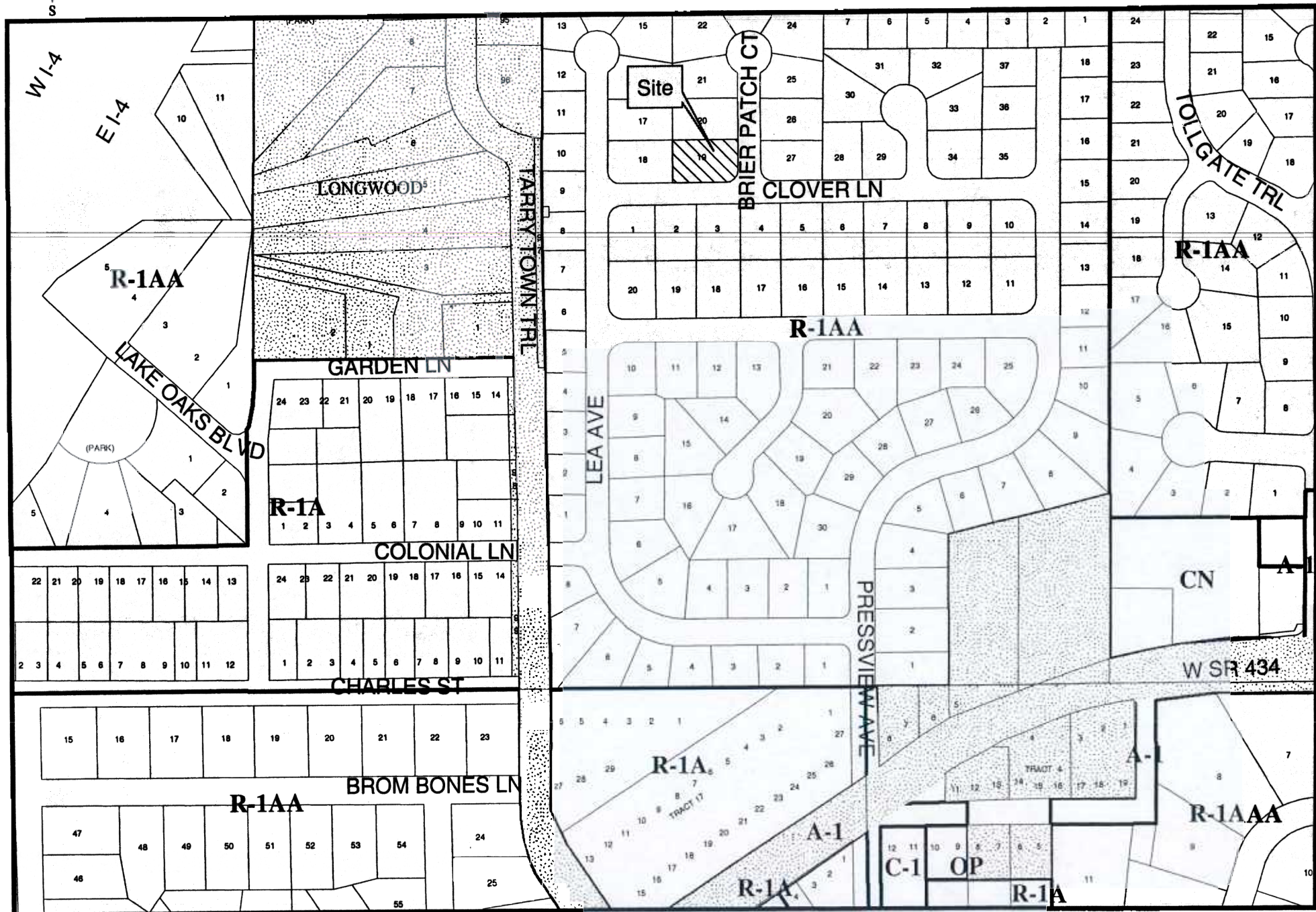


Lot 19.pdf

Steve Douglas, E.I. Engineer
Seminole County Traffic Engineering
140 Bush Loop, Sanford Fl 32773
email: sdouglas@co.seminole.fl.us
Phone: (407) 665-5690
Fax: (407) 665-5623



S 6 Br ar Patch



50 300

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On September 22, 2003, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 19 BLK B THE MEADOWS WEST PB 17 PG 6

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owners: GARY D. & SHARON J. PUDLEWSKI
116 BRIAR PATCH
LONGWOOD, FL 32750

Project Name: 116 BRIAR PATCH

Requested Development Approval:

SIDE STREET SETBACK VARIANCE FROM 25 FT TO 5 FT FOR A
PROPOSED FENCE, AS DEPICTED ON ATTACHED SITE PLAN.

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Earnest McDonald
1101 East First Street
Sanford, Florida 32771

Order**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

1. The fence setback variance shall apply only to the proposed fence, as depicted on the attached site plan.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Matthew West
Planning Manager

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2003.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: